

Disabled Motorist Refueling Assistance at Delaware Retail Service Stations

To eliminate discrimination and ensure the civil rights of people with disabilities, the federal Americans with Disabilities Act (ADA) requires operators of retail service stations to make reasonable changes in policies, practices and procedures. In addition, to insure accessibility to all persons with disabilities, service stations must make structural changes to existing fuel pumps. If such structural changes are not readily achievable, then station operators must make such services available through alternative methods. The most readily achievable alternative to providing self-service fuel is *to have attendants pump fuel for drivers with disabilities*.

The State of Delaware has enacted laws, rules and regulations that mirror the federal ADA. The Delaware Department of Transportation (DelDOT), Division of Motor Vehicles (DMV), Motor Fuel Tax Administration (MFTA), Office of Retail Gasoline Sales is responsible for the administration and enforcement of the Delaware Code chapter pertaining to the retail sales of motor fuels in the State of Delaware. There are two provisions in Delaware Law that specifically require Delaware retail service stations to provide refueling assistance to disabled motorists.

Full/Self Service Stations

The first provision (Title 6 of the Delaware Code, Section 2912(a)), which pertains to retail stations that provide both self and full service to the motoring public, states the following:

Where a gasoline service station offers both full-service and self-service, the owner, operator or attendant handling the full-service equipment shall dispense gasoline from the self-service pump, during hours in which full-service is being offered at that station, upon the request of a disabled operator of a motor vehicle, provided that the vehicle operator properly displays a special plate or parking permit for a person with a disability as described pursuant to § 2134 or § 2135 of Title 21, and the person to whom the permit has been issued is the operator of the vehicle. The attendant shall have the right to request proof that the operator of the vehicle is the rightful owner of the vehicle to whom the special plate or parking permit for a person with a disability has been issued.

Full/Self Service Station Operators are also required to post signage at the full-serve island directing disabled motorists to designated self-service pumps from which motor fuel will be dispensed as required.

Self-Service Stations

The second provision (Title 6 of the Delaware Code, Section 2912(b)), which pertains to retail stations that provide only self service to the motoring public, states the following:

Upon the request of a person with a disability or a person 85 or older to whom a special license plate or parking permit has been issued pursuant to § 2134 or § 2135 of Title 21, a retail establishment that offers gasoline for sale only on a self-serve basis must provide refueling assistance without a charge beyond the self-serve price. However, a retail establishment is not required to provide such service at any time that it is operating on a remote control basis with only 1 employee or if someone able to provide refueling assistance is also in the vehicle.

The existing regulation pertaining to sign posting by Full/Self Service Station Operators is in the process of being expanded to encompass Self-Service Station Operators as well.

Key Points Regarding Disabled Motorist Assistance at Retail Service Stations

- Provision of assistance is not voluntary – it is required by law.
- A motorist cannot be asked to verify their disability. Many disabilities are not visible; some may be respiratory related (and affected by fumes from fuel), mental impairments, and so on.
- A motorist must have a special parking ID placard (posted on their rear-view mirror, or on the dash) or a special license plate that designates a disability. This includes out-of-state motorists.
- Attendants are not required to perform additional services, such as cleaning windshields or checking oil.
- An attendant at a self-serve only station is not required to provide service if that attendant is the only person on duty.
- Attendants at self-serve only stations are not required to provide pump service for motorists with a disability if someone able to provide pump service is also in the vehicle.
- Pump service must be provided at the self-service rate - no additional fees can be charged for this service.

Important Contact Information

- If there are any questions or issues regarding these requirements, please contact the Delaware Motor Fuel Tax Administration, Office of Retail Gasoline Sales, Post Office Drawer E, Dover, Delaware 19903-1565, or call (302)744-2715.
- If you have questions or issues concerning the federal ADA, please call the Department of Justice's ADA Information Line at (800)514-0301 (voice) or (800)514-0383 (TDD) or access the ADA Home Page (www.usdoj.gov/crt/ada/adahom1.htm).
- For information regarding special parking ID placards or special license plates (HPxxxx) for persons with disabilities, please contact one of the four Delaware Division of Motor Vehicles facilities:
 - New Castle: (302)326-5000
 - Greater Wilmington: (302)434-3200
 - Dover: (302)744-2500
 - Georgetown: (302)853-1000
- Applications for ID placards or special license plates for persons with disabilities can be obtained at any of the above DMV facilities (please call or visit the DMV website, www.dmv.de.gov, "Office Locations and Contact Info" link, for address and directions). Applications can also be obtained directly from the DMV website (www.dmv.de.gov, "Vehicle Services" link).